

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAYMOND BALESTRA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

CLOUD WITH ME LTD., GILAD
SOMJEN, and ASAF ZAMIR,

Defendants.

Civil Action No. 2:18-cv-00804

District Judge Mark R. Hornak
Magistrate Judge Lisa Pupo Lenihan

[ECF No. 22](#)

ORDER ON PLAINTIFF’S MOTION TO CERTIFY CLASS

The Complaint in this securities class action against Defendants Cloud With Me Ltd. (“Cloud” or the “Company”), Gilad Somjen (“Somjen”), and Asaf Zamir (“Zamir”) (collectively, “Defendants”) was filed on June 19, 2018, and alleges that from July 25, 2017, through June 19, 2018 (the “Class Period”), Defendants offered and sold Plaintiffs and the Class (defined below) unregistered securities—in the form of Cloud Tokens (“CLD Tokens”)—in violation of Section 12(a)(1) and 15(a) of the Securities Act of 1933 (“Securities Act”) 15 U.S.C. §§ 77l(a)(1), 772(a). [ECF No. 1](#). The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, [28 U.S.C. §636\(b\)\(1\)](#), and Local Rules of Court 72.C and 72.D.

Following repeated attempts to serve Defendants, all of which are located outside of the United States, service was effected on October 18, 2018. [ECF No. 10](#). No response was filed to the Complaint by any of the Defendants and Motions for Default were filed on April 30, 2019.

ECF Nos. 11,12,13. These were followed by Requests for Entry of Default, filed on May 1, 2019. ECF Nos. 14, 15, 16.¹ Default against all Defendants was entered by the Clerk on May 3, 2019. ECF Nos. 17, 18, 19. The present Motion to Certify Class, appoint Ray Balestra and John Oum as Class Representatives, and appoint Levi & Korsinsky, LLP as Class Counsel was filed on March 12, 2020. [ECF No. 22](#).

The Magistrate Judge's Report and Recommendation (ECF No. 26) filed on July 2, 2020 recommended that the Motion for Class Certification be granted and each of these three (3) aspects, pursuant to Federal Rule of Civil Procedure 23(a), 23(b)(3), and 23(g). In so recommending, the Magistrate Judge considered and confirmed Plaintiff's satisfaction of each of the applicable requirements of Federal Rule of Civil Procedure 23. The parties were informed that in accordance with the Magistrate Judges Act, [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to [Federal Rule of Civil Procedure 6\(d\)](#). No objections to the Report have been filed.

Upon independent, *de novo* review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 26), which is adopted as the Opinion of this Court:

IT IS ORDERED that Plaintiff's Motion to Certify Class ([ECF No. 22](#)) is **GRANTED** **and** the following class is certified:

All persons or entities who purchased or otherwise acquired Cloud Tokens ("CLD Tokens") during the period from July 23, 2017 through June 19, 2018, inclusive (the "Class Period"), and were injured thereby. Excluded from the Class are: (i) defendant Cloud; (ii) Defendants Somjen and Zamir; (iii) any person who was an officer, director or employee of Cloud; (iv) any immediate family member of any

¹ The Clerk of Court noted that the Motions were filed under the wrong event on May 1, 2019, prompting the revised filings.

excluded person; (v) any firm, trust, corporation or other entity in which any excluded person or entity has or had a controlling interest; and (vi) the legal representatives, affiliates, heirs, successors in-interest, or assigns of any such excluded person or entity.

IT IS FURTHER ORDERED that Lead Plaintiff John Oum and Raymond Balestra are appointed as representative Plaintiffs for this Class and that the law firm of Levi & Korsinsky, LLP is appointed as counsel for the Class.

IT IS FURTHER ORDERED that the Report and Recommendation ([ECF No. 26](#)) of Magistrate Judge Lenihan, dated April 9, 2020, is adopted as the Opinion of the Court.

SO ORDERED.

Dated: July 30, 2020

BY THE COURT:

s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge